

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Police – Petition of Smt. Nasreen Sultana, W/o. A.B.Naseeruddin, PC.7516, Nampally, Hyderabad, for setting aside the penalty of removal from service imposed on her husband and to provide compassionate appointment to her son and sanction of family pension– Penalty of removal imposed on Sri A.B.Naseeruddin, PC.7516, Nampally, Hyderabad - Set aside –Orders – Issued.

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HOME (SER.II) DEPARTMENT

G.O.Rt.No. 595

dated:6-4-2010  
Read the following:

1. Representation of Smt. Nasreen Sultana, W/o. A.B.Naseeruddin, PC.7516, Nampally, Hyderabad dated nil
2. Govt.Memo.No.3305/WNT/A1/2009-1,dated.16-2-2009.
3. Govt.Memo.No.3594/Ser.II/A3/2009-1,dated.20-2-2009.
4. From the Registrar Institution of A.P.Lok Ayukta,Lr.Dis.No. 366/2009/ B1/LOK/8676/2009, dated: 26-8-2009
5. From the DGP, A.P., Hyderabad Lr.Rc.No.77/ME.3/2009, dated 17- 09-09
6. From the Registrar Institution of A.P.Lok Ayukta,Lr.Dis.No. 366/ 2009/ B1/LOK/559/2010, dated: 5-3-2010

**Order:**

In the representation 1<sup>st</sup> read above, Smt. Nasreen Sultana, W/o. A.B.Naseeruddin, PC.7516, Nampally, Hyderabad, has stated that her husband A.B.Naseeruddin, PC.7516, has disappeared on 22-1-1998 and she lodged a complaint with Shamseer Gunj PS on 14-3-1998, and the Police investigated the matter but could not trace him till now. Further the Commissioner of Police, Hyderabad, has issued orders removing her husband for not reporting to duty. The articles of charges and punishment orders were not served on her husband as his whereabouts are not known. The CCA Rules provides that written charges shall be furnished to the officer are mandatory and any action taken without compliance with such provision is void. She has, therefore, requested Government to set aside the proceedings of the Commissioner of Police, Hyderabad, i.e removing her husband. She has further requested the Government for compassionate appointment to her son and family pension, as per the G.O.Ms.No.378, G.A.(Ser.A) Department, dated 24-08-1999, as her husband was disappeared and his whereabouts are not known for more than seven years.

2 In the reference 5<sup>th</sup> read above, the DGP., A.P., Hyderabad, stated that the individual has filed a complaint before the Lok Adalat vide No.366/09/01 for appointment of her son on compassionate grounds and for sanction of family pension.

3. The DGP, AP, Hyderabad has further stated as follows: the PC has absented from duties without permission for more than 21 days i.e. for a period of 67 days prior to lodging FIR as missing, and committed the offence of desertion and liable for initiation of PR, notwithstanding the fact that subsequently he was reported to be missing. Therefore there was no irregularity in treating the PC as deserter and removing him from service, but only lapse in the case is that there was lapse of time in dealing the case at every stage and final orders of removal was issued after a lapse of 10 yrs. It is noteworthy that the D.C.P.(Traffic) Hyderabad issued Memo. dated 23-02-1998 against the PC for absenting from duty w.e.f.17-11-1997 by reporting sick and it was acknowledged by his wife on 24-02-1998. Subsequently she has lodged complaint in the P.S. on 14-03-1998 about missing of her husband w.e.f.22-01-1998. Hence FIR about missing of the PC was lodged only after issue of a memo to the PC, by DCP Traffic for his unauthorized absence. However orders declaring the PC as a deserter was issued on 10-09-1998 by the DCP Traffic. The PC was removed from service on the charges of unauthorized absence vide Proceedings No. 385/L&O/B5/Tr/1554/1999, dated 22-01-2008 of C.P., Hyderabad. After orders of removal from service was issued, his son has submitted representation requesting for compassionate

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appointment on 26-03-2008. Another enquiry was ordered by the C.P., Hyderabad and Jt.C.P., SB submitted his report dated 01-12-2008, stating that the PC is really missing since 22-01-1998 and nothing came to light whether the PC committed any fraud, joined in any other job or suspected to have gone abroad. However, since the PC was already removed from service, neither his wife is eligible for pension nor his son is eligible for compassionate appointment under the provision of G.O.378, dated 24-08-1999, unless the punishment of removal from service is set aside by the Government and treat the case of PC as 'Man missing' case.

4 The DGP, AP, Hyderabad, has requested the Government to issue orders in the matter as a complaint vide no.366/09/01 filed by the wife of the PC is pending in Lok Adalat and a report has to be submitted to Lok Adalath.

5 Government, after careful examination of the entire matter, hereby set aside the penalty of removal from service imposed on Sri AB Naseeruddin Ahmed, PC 7516, Hyderabad, as the proceedings dated: 22-1-2008 issued by the Commissioner of Police, Hyderabad, are not legally valid as the principles of enquiry proceedings against a dead person could not be followed. Appropriate orders will be issued separately with regard to the issue of compassionate appointment and sanction of family pension after further examination.

6. The Director General of Police, Andhra Pradesh, Hyderabad, is requested to take necessary follow up action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P. GAUTAM KUMAR  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
The Director General of Police, Andhra Pradesh, Hyderabad .  
The Commissioner of Police, Hyderabad,  
The Applicant (through DGP, Andhra Pradesh, Hyderabad)  
SC/SF

//Forwarded: By order//

SECTION OFFICER